

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Milton Farley, District No. 1

A **meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, was held on **Monday, August 9, 2004**, in the Assembly Room of the Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, at 7:15 p.m.

PRESENT: Mrs. Judith K. Spooner, Council Member District No. 2, Acting Chairman; Mr. William E. Crosby, Council Member District No. 3; Mr. Dennis L. Fish, Council Member District No. 5; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney Jr., Council Member District No. 7; Mr. Steve C. Davis, Council Member District No. 8; Mr. James H. Rozier, Jr., Supervisor, ex officio; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. Milton Farley, Council Member District No. 1, Chairman, and Mr. Charles E. Davis, Council Member District No. 4, were excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

Acting Chairman Spooner called the meeting to order and asked for approval of minutes from the Committee on Land Use Meeting held July 12, 2004.

APPROVAL OF MINUTES

It was moved by Council Member Crosby and seconded by Council Member Mims to approve the minutes as presented. The motion was passed by unanimous voice vote of the Committee.

A. Consideration prior to First Reading of the following:

1. Request by M. Dennis Brown, 327 Cypress Gardens Road, Moncks Corner, TMS #210-00-00-151 & 182, (3.36 acres & 5 acres), from GC, General Commercial District and HI, Heavy Industrial District, to HI, Heavy Industrial District. Council District No. 6.
[Recommended denial by Staff]
[Recommended denial by Planning Commission]

Ms. Madelyn Robinson, Zoning Administrator, stated this property, located on Cypress Gardens Road, is presently zoned General Commercial, but it is being used to store containers full of debris. The applicant submitted documentation in an effort to

grandfather this particular parcel to Heavy Industrial. The applicant was unable to prove existence, as it is today, when the property was originally zoned. Therefore, the applicant is requesting a rezoning of the entire front parcel (3.36 acres) to Heavy Industrial. The containers could be moved to the back parcel (5 acres), and, thus, be in compliance with the Zoning Ordinance. The applicant was informed of this, but he has chosen to continue using the property as it is.

Supervisor Rozier recommended an Executive Session to seek legal advice.

It was moved by Council Member Fish and seconded by Council Member Mims to enter into Executive Session for the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege. The motion was passed by unanimous voice vote of the Committee.

The Committee on Land Use entered into Executive Session at 7:22 p.m., and returned to Committee Session at 7:48 p.m.

Mr. D. Mark Stokes, Berkeley County Attorney, reported that the Committee entered into Executive Session for the reasons stated in the motion. No formal action was taken.

It was moved by Council Member Fish and seconded by Council Member Mims to deny the request by M. Dennis Brown. The motion was passed by unanimous voice vote of the Committee.

2. Request by Ricky & Pamela Clark, 2647,2649 Mudville Road, Ridgeville, TMS #080-00-02-015 & 049, (1 acre & 1.85 acres), from F-1, Agricultural District, to R-3, Mobile Home Park District. Council District No. 7.
[Recommended approval by Staff]
[Recommended approval by Planning Commission]

Ms. Robinson stated the applicant's request for rezoning is for the purpose of expanding a mobile home park.

It was moved by Council Member Pinckney and seconded by Council Member Steve Davis to approve, prior to First Reading, the request by Ricky & Pamela Clark. The motion was passed by unanimous voice vote of the Committee.

3. Request by Robin & Barbara Snyder, 1444 North Highway 52, Bonneau, TMS #103-11-00-038, (1.31 acres), from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District. Council District No. 8.
[Recommended approval by Staff]
[Recommended denial by Planning Commission]

Ms. Robinson stated the applicant nor a representative for the applicant attended the Planning Commission Meeting to discuss this request for rezoning.

Ms. Lynn Hoover, Planning Commission Member, stated that numerous area residents in opposition of this request attended the Planning Commission Meeting.

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney that the request by **Robin & Barbara Snyder** be **held in Committee** for one month, in order for Council Member Steve Davis to acquire more information about it. The motion was passed by unanimous voice vote of the Committee.

B. Review prior to Second Reading of the following:

1. Bill No. 04-54, An ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **George Herrin, Cypress Gardens Road and Old Highway 52, Moncks Corner, TMS #211-00-02-009 (37.08 acres), **from HI, Heavy Industrial District, to R-1, Single Family Residential District.** Council District No. 3.**

It was moved by Council Member Crosby and seconded by Council Member Fish to approve, prior to Second Reading, **Bill No. 04-54.** The motion was passed by unanimous voice vote of the Committee.

2. Bill No. 04-55, An ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **George T. Newell, Steed Creek Road, Huger, TMS #202-00-00-016, (23.50 acres), **from R-15, Preservation Residential District, to F-1, Agricultural District.** Council District No. 8.**

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney that **Bill No. 04-55** be **held in Committee** for one month, in order for Council Member Steve Davis to acquire more information about it. The motion was passed by unanimous voice vote of the Committee.

3. Bill No. 04-56, An ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Lowcountry Land Holdings, LLC., 1125 Cainhoy Road, Cainhoy, TMS #263-00-01-059 (6 acres), **from GC, General Commercial District, to LI, Light Industrial District.** Council District No. 8.**

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney that **Bill No. 04-56** be **held in Committee** for one month, in order for Council

Member Steve Davis to acquire more information about it. The motion was passed by unanimous voice vote of the Committee.

4. **Bill No. 04-57**, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **John R. Nick**, 5338 Halfway Creek Road, Huger, TMS #250-00-00-015 (1 lot), **from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 8.

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to approve, prior to Second Reading, **Bill No. 04-57**. The motion was passed by unanimous voice vote of the Committee.

5. **Bill No. 04-58**, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Doris Marie Holmes**, 230 Blanding Road, St. Stephen, TMS #046-00-01-015 (1 acres), **from F-1, Agricultural District to RNC, Rural Neighborhood Commercial District**. Council District No. 7.

It was moved by Council Member Pinckney and seconded by Council Member Steve Davis to approve, prior to Second Reading, **Bill No. 04-58**. The motion was passed by unanimous voice vote of the Committee.

6. **Bill No. 04-59**, An **ordinance** to amend and clarify certain sections of **Ordinance No. 99-4-20**, Land Development and Subdivision Regulations of Berkeley County, South Carolina, for the unincorporated areas of the County.

Council Member Steve Davis asked for clarification of Bill No. 04-59.

Ms. Robinson responded that staff was in the process of preparing documentation containing amendments to land development and subdivision regulations, in addition to the Zoning and Development Standards Ordinance.

7. **Bill No. 04-60**, An **ordinance** to amend and clarify certain sections of **Ordinance No. 01-8-35**, Zoning And Development Standards Ordinance.

With no objection from the Committee, Council Member Steve Davis recommended that **Bill Nos. 04-59** and **04-60** be **held in Committee** until Monday, August 23rd. At that time, a Special Meeting of the Committee on Land Use could be held to further discuss and vote on these Bills after staff provided documentation clarifying the proposed amendments.

8. **Bill No. 04-64**, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **David Johnson for Lawrence Smith**, 2130 State Road, Summerville, TMS #178-00-01-038, (1.43 acre

portion, 7.10 acres total), **from F-1, Agricultural District, to RNC, Rural & Neighborhood Commercial District.** Council District No. 7.

9. Bill No. 04-65, An ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Norman Weiss,** Ranger Drive, Cross, TMS #042-00-03-065, (4.36 acre portion, 25.0 acres total), **from F-1 Agricultural District, to RNC, Rural and Neighborhood Commercial District.** Council District No. 7.

With no objection from the Committee, Council Member Pinckney recommended that **Bill Nos. 04-64 and 04-65** be **held in Committee** for one month, in order for Council Member Pinckney to acquire more information regarding these items.

C. Review prior to Third Reading of the following:

1. Bill No. 04-46, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Anna Bell Frazier,** 3955 Highway 45, Cross, TMS #032-00-03-007, (1 lot), **from GC, General Commercial District, to F-1 Agricultural District.** Council District No. 7.

It was moved by Council Member Pinckney and seconded by Council Member Steve Davis to approve, prior to Third Reading, **Bill No. 04-46.** The motion was passed by unanimous voice vote of the Committee.

2. Bill No. 04-47, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Marvetta Perry-Grant** for Elaine Myers, 226 Liberty Hall Road, Goose Creek, TMS #244-05-01-022, (1.35-acre portion, 2.7 acres total), **from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District.** Council District No. 3.

It was moved by Council Member Crosby and seconded by Council Member Steve Davis to approve, prior to Third Reading, **Bill No. 04-47.** The motion was passed by unanimous voice vote of the Committee.

3. Bill No. 04-48, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Rutha L. Kinlock,** 1025 Charity Church Road, Huger, TMS #248-00-02-004, (1 lot), **from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District.** Council District No. 8.

It was moved by Council Member Steve Davis and seconded by Council Member Mims to approve, prior to Third Reading, **Bill No. 04-48,** contingent upon a contract being signed by Ms. Kinlock stating that this property would revert back to R-2 if and when the proposed daycare center ceased to exist. The motion was passed by unanimous voice vote of the Committee.

4. **Bill No. 04-49**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Peter Washington**, 812 Oceanview Court, Wando, TMS #271-00-02-004, (1 lot), **from GC, General Commercial District, to R-1MM. Multi-Section Residential District.** Council District No. 8.

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to approve, prior to Third Reading, **Bill No. 04-49**. The motion was passed by unanimous voice vote of the Committee.

5. **Bill No. 04-50**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Ebony Lloyd Simmons** for Heirs of Clara Johnson, 1658 Highway 402, Moncks Corner, TMS #144-00-02-025, (1 acre portion, 14.5 acres total), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District.** Council District No. 8.

It was moved by Council Member Steve Davis and seconded by Council Member Mims to approve, prior to Third Reading, **Bill No. 04-50**. The motion was passed by unanimous voice vote of the Committee.

6. **Bill No. 04-51**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Tyson Otts**, 341 Myers Road, Summerville, TMS #222-00-00-119, (5.01 acres portion, 10.02 acres total), **from PDMU, Planned District Mixed Use, to R-2, Manufactured Residential District.** Council District No. 4.

It was moved by Council Member Crosby and seconded by Council Member Steve Davis to approve, prior to Third Reading, **Bill No. 04-51**. The motion was passed by unanimous voice vote of the Committee.

It was moved by Council Member Crosby and seconded by Council Member Steve Davis to adjourn the Committee on Land Use Meeting. This motion was passed by unanimous voice vote of the Committee.

Meeting adjourned at 8:05 p.m.

09/13/04
Date Approved

ADDENDUM

COMMITTEE ON LAND USE (Standing Committee of Berkeley County Council)

Chairman: Mr. Milton Farley, District No. 1

Members: Mrs. Judith K. Spooner, District No. 2
Mr. William E. Crosby, District No. 3
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Mr. Dennis Fish, District No. 5
Mrs. Judy C. Mims, District No. 6
Mr. Caldwell Pinckney, District No. 7
Mr. Steve C. Davis, District No. 8
Mr. James H. Rozier, Jr., Supervisor, ex officio

A **meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, will be held on **Monday August 9, 2004**, in the Assembly Room, Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina, following the meeting of the Committee on Planning and Development, the Committee on Justice and Public Safety and the Committee on Community Services at **6:00 p.m.**

AGENDA

ADD:

B. Review prior to Second Reading of the following:

8. Bill No. 04-64, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **David Johnson for Lawrence Smith**, 2130 State Road, Summerville, TMS #178-00-01-038, (1.43 acre portion, 7.10 acres total), **from F-1, Agricultural District, to RNC, Rural & Neighborhood Commercial District**. Council District No. 7.

9. Bill No. 04-65, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Norman Weiss**, Ranger Drive, Cross, TMS #042-00-03-065, (4.36 acre portion, 25.0 acres total), **from F-1 Agricultural District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 7.

August 5, 2004
S/Barbara B. Austin
Clerk of County Council

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APPROVAL OF MINUTES

July 12, 2004

A. Consideration prior to First Reading of the following:

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[Recommended denial by Staff]

[Recommended denial by Planning Commission]

2. Request by Ricky & Pamela Clark, 2647,2649 Mudville Road, Ridgeville, TMS# 080-00-02-015&049, (1 acre & 1.85 acres), **from F-1, Agricultural District, to R-3, Mobile Home Park District**. Council District No. 7.

[Recommended approval by Staff]

[Recommended approval by Planning Commission]

3. Request by Robin & Barbara Snyder, 1444 North Highway 52, Bonneau, TMS# 103-11-00-038,(1.31 acres), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 8.

[Recommended approval by Staff]

[Recommended denial by Planning Commission]

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August 4, 2004
S/Barbara B. Austin
Clerk of County Council